

KUANG-BAO P. OU-YOUNG,  
Plaintiff,

V.

LAWRENCE E STONE, Santa Clara County Assessor, and as an individual; JEANETTE TONINI, Senior Assessment Clerk, Santa Clara County Assessor's Office, and as an individual; EDWARD J. DAVILA, District Judge, U.S. District Court for the Northern District of California, and as an individual; and COUNTY OF SANTA CLARA.

Defendants.

Case No. 19-cv-07000-BLF

**ORDER GRANTING THE UNITED  
STATES' ADMINISTRATIVE MOTION  
TO APPEAR AS *AMICUS CURIAE*;  
AND ORDER TO SHOW CAUSE WHY  
PLAINTIFF'S CLAIMS AGAINST  
JUDGE EDWARD J. DAVILA SHOULD  
NOT BE DISMISSED AND WHY THE  
PRE-FILING SCREENING ORDER  
REGARDING PLAINTIFF SHOULD  
NOT BE EXPANDED TO INCLUDE  
CLAIMS AGAINST FEDERAL  
JUDGES**

[Re: ECF 6]

On October 17, 2019, Plaintiff filed the complaint in this action in the Santa Clara County Superior Court. *See* Notice of Removal Exh. 4 (Complaint), ECF 1. Plaintiff asserts a single claim for “Unreasonable Seizures” against Defendants Santa Clara County, Assessor Lawrence Stone, Senior Assessment Clerk Jeanette Tonini, and United States District Judge Edward J. Davila. *See id.* On October 25, 2019, the United States of America removed the action to federal district court on behalf of Defendant Judge Davila. *See* Notice of Removal, ECF 1. The removal was based on 28 U.S.C. § 1442(a)(3), providing for removal of state court actions asserted against “[a]ny officer of the courts of the United States, for or relating to any act under color of office or in the performance of his duties.”

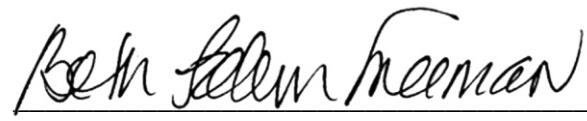
On October 28, 2019, the United States filed an administrative motion pursuant to Civil Local Rule 7-11, seeking leave to appear as *amicus curiae* in this action and to file a memorandum

1 of points and authorities supporting issuance of an Order to Show Cause why the action should not  
2 be dismissed as to Judge Davila on the basis of absolute judicial immunity and why the pre-filing  
3 screening order regarding Plaintiff should not be expanded to include claims against federal  
4 judges. *See* United States' Administrative Motion, ECF 6. The United States' administrative  
5 motion is GRANTED.

6 Plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and on or before  
7 **November 19, 2019:** (1) why this action should not be dismissed as to Judge Davila on the basis  
8 of absolute judicial immunity, and (2) why the pre-filing screening order regarding Plaintiff  
9 should not be expanded to include claims against federal judges.

10 **IT IS SO ORDERED.**

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12 Dated: November 5, 2019

  
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14 BETH LABSON FREEMAN  
United States District Judge

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